## Amendment to the Drawings

The attached Replacement Sheet of drawings includes changes to FIG. 1. In FIG. 1, the block M3 has been inserted which represents the calculation means as described in the specification on page 4, lines 19-22.

Attachment:  Replacement Sheet
            Annotated Sheet Showing Changes

## REMARKS

By this amendment, the specification, drawings, and claims 1-8 have been amended. New claims 10-13 have been added. Claims 1-13 remain in the application. Support for the amendments can be found the specification and drawings. No new matter has been added. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, and allowance of the application, as amended, is requested.

### The Drawings

The drawings stand objected to as failing to comply with 37 CFR 1.83(a) because they fail to show the calculation means, M3, as described in the specification on page 4, lines 19-22. In response, the Applicant believes the objection to be overcome for at least the following reason. By this amendment, Figure 1 has been amended to include a block representation for the calculation means, M3, as supported in the specification on page 4, lines 19-22, as originally filed. Accordingly, the objection of the drawings should be withdrawn.

### The Specification

The specification has been amended to correct for minor errors. In addition, the specification has been amended, as indicated herein above, to include the recitation of time "T1" of Figures 2 and 3 within the written description, as appropriate. No new matter has been added.

### Rejection under 35 U.S.C. §101

Claims 4-5 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant respectfully traverses this rejection for at least the following reason. As now presented, claim 4 is directed to a computer program embodied in a computer readable medium for an encoder (ENC), comprising a set of instructions <u>for execution by the encoder (ENC)</u>, which, when loaded into said encoder

(ENC), causes the encoder (ENC) to carry out <u>encoding of a digital video signal (VS)</u>. In addition, as now presented, claim 5 is directed to a computer program embodied in a computer readable medium for an computer, comprising a set of instructions <u>for execution by the computer</u>, which, when loaded into said computer, causes the computer to carry out <u>encoding of a digital video signal (VS)</u>. Accordingly, claims 4 and 5 are directed to statutory subject matter. Withdrawal of the rejection is requested.

## Rejection under 35 U.S.C. §112

Claims 4-5 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses this rejection for at least the following reason. As now presented, claim 4 is directed to a computer program embodied in a computer readable medium for an encoder (ENC), comprising a set of instructions <u>for execution by the encoder (ENC)</u>, which, when loaded into said encoder (ENC), causes the encoder (ENC) to carry out <u>encoding of a digital video signal (VS)</u>. In addition, as now presented, claim 5 is directed to a computer program embodied in a computer readable medium for an computer, comprising a set of instructions <u>for execution by the computer</u>, which, when loaded into said computer, causes the computer to carry out <u>encoding of a digital video signal (VS)</u>. Accordingly, claims 4 and 5 are no longer believed indefinite. Withdrawal of the rejection is requested.

## Rejection under 35 U.S.C. §102

Claim 1 recites a method for encoding a digital video signal (VS), said digital video signal comprising at least a scene cut (CUT) followed by a set of images, said method comprising:

-   localizing said scene cut (CUT) within the digital video signal,
-   defining a sub-set of visually non-relevant images (IS) within said set of images, wherein the sub-set of visually non-relevant images (IS) comprise images following the scene cut (CUT) that cannot be perceived correctly by a

human eye, and

- issuing a set of encoded visually non-relevant images (IS') from said sub-set of visually non-relevant images (IS) by calculating said set of encoded visually non-relevant images (IS') from a first visually relevant image (I(t0+2)) located after said scene cut (CUT).

Support for the amendments to claim 1 (as well as for claim 4, 5 and 6) can be found in the specification at least on page 5, lines 18-22 and 30-32; and Figures 2 and 3.

Claims 1-9 were rejected under 35 U.S.C. §102(e) as being anticipated by **Hsu** et al. (US 7,197,072, hereinafter referred to as "**Hsu**"). Applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that
*"[t]o anticipate a claim, the reference must teach every element of the claim...."*

Therefore, with respect to claims 1, 4, 5 and 6, to sustain this rejection the **Hsu** reference must contain all of the above claimed elements of the respective claims. However, contrary to the examiner's position that all elements are disclosed in the **Hsu** reference, the latter reference does not disclose "... *defining* a *sub-set* of visually *non-relevant* images (IS) *within* said *set of images*, wherein the sub-set of visually non-relevant images (IS) comprise *images following* the *scene cut* (CUT) that *cannot be perceived correctly* by a human eye, *and* ... *calculating* said set of encoded visually non-relevant images (IS') from a first *visually relevant* image (I(t0+2)) *located after* said scene cut (CUT)" [*emphasis added*] as is claimed in claims 1, 4, 5 and 6. Therefore, the rejection is not supported by the **Hsu** reference and should be withdrawn.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Claims 2-3 depend from and further limit independent claim 1 and therefore are allowable as well. Claims 4, 5 and 6 are also allowable and an early formal notice

thereof is requested. Claims 7, 8 and 9 depend from and further limit independent claim 6 and therefore are allowable as well. The 35 U.S.C. § 102(e) rejection thereof has now been overcome.

## New Claims

Claims 10-13 have been added for providing more complete claim coverage, in view of the amendment of claims 4 and 5. No new matter has been added. Claims 10 and 11 depend from and further limit allowable claim 4 and there are allowable as well. Similarly, claims 12 and 13 depend from and further limit allowable claim 5 and there are allowable as well.

## Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 1, 4, 5 and 6 are in condition for allowance. Claims 2-3 depend from and further limit independent claim 1 and therefore are allowable as well. Claims 10-11 depend from and further limit independent claim 4 and therefore are allowable as well. Claims 12-13 depend from and further limit independent claim 5 and therefore are allowable as well. Claims 7-9 depend from and further limit independent claim 6 and therefore are allowable as well.

The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced.  An early formal notice of allowance of claims 1-13 is requested.

Respectfully submitted,

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Attachments

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